

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CLARENCE D. JOHNSON, JR.,

Plaintiff,

v.

COMMON AREAS, *et al.*,

Defendants.

CASE NO. C21-0483-JCC

ORDER

This matter comes before the Court *sua sponte*. Pursuant to 28 U.S.C. § 1915(e)(2)(B), the Court must dismiss a complaint filed *in forma pauperis* (“IFP”) that fails to state a claim, raises frivolous or malicious claims, or seeks monetary relief from a defendant who is immune from such relief.

To state a claim for relief, “a complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). A claim is facially plausible “when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Id.* “A pleading that offers ‘labels and conclusions’ or ‘a formulaic recitation of the elements of a cause of action will not do.’” *Id.* (quoting *Twombly*, 550 U.S. at 555). “Dismissal can [also] be based on the lack of a cognizable legal theory.” *Balisteri v. Pacifica Police Dep’t.*, 901 F.2d 696, 699 (9th Cir. 1988).

1 A complaint filed by a Plaintiff proceeding *pro se* is construed liberally. *Hebbe v. Pliler*, 627
2 F.3d 338, 342 (9th Cir. 2010).

3 On April 29, 2021, United States Magistrate Judge Michelle L. Peterson granted
4 Plaintiff's motion to proceed IFP and recommended the Court review his complaint under 28
5 U.S.C. § 1915(e)(2)(B). (Dkt. No. 6.) The Court did so and concluded that Plaintiff failed to state
6 a cognizable claim or indicate the relief sought. (Dkt. No. 8.) Plaintiff has filed an amended
7 complaint (Dkt. No. 9), which suffers from the same infirmities as the last. Accordingly, the
8 Court FINDS that dismissal of Plaintiff's amended complaint is required under 28 U.S.C.
9 § 1915(e)(2)(B).

10 For the reasons described above, Plaintiff's amended complaint (Dkt. No. 9) is
11 DISMISSED without prejudice. The Clerk is DIRECTED to close this case.

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13 DATED this 24th day of May 2021.

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A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE